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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined third and fourth periodic reports of the Niger

Addendum

Replies of the Niger*

[Date received: 11 April 2017]

Note: The present document is being circulated in English, French and Spanish only.
* The present document is being issued without formal editing.

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General

Question No. 1

1. This document contains the replies of the Niger to the list of questions and issues concerning its report for the period from 2005 to 2012 (CEDAW/C/NER/3-4). Because of the restrictions on length and the large number of sub-questions, the replies sometimes do not accurately portray the Niger's determination to give full effect to the provisions of the Convention. These updated replies are the outcome of consultations with all the official bodies dealing with the advancement of women.

2. The question numbers refer to those in the list of issues and questions.

Reservations

Question No. 2

3. Several steps have been taken towards withdrawal of the reservations to the Convention. These include:

(a) Ongoing discussion concerning withdrawal of these reservations, despite the obstacles connected with sociocultural restraints;

(b) Creation of a think tank on this subject in 2014;

(c) A 2015-2017 three-year communication plan concerning withdrawal of the reservations.

Legislative and institutional framework

Question No. 3

4. Article 22 of the Constitution can be directly invoked in court. In addition to that article, the Constitution forbids any form of discrimination against women, girls and disabled persons and article 10 of the Constitution establishes the principle of the equality of all persons before the law.

5. Efforts are continuing with a view to the adoption of the Maputo Protocol and are focused on raising public awareness.

6. Although there has been no change in the legislation of the Niger since the last report, it should be emphasized that efforts are being made to abolish all provisions discriminating against women. The National Policy for the Advancement of Women was adopted in 1996 and a National Gender Policy followed in 2008, with a 2009-2018 ten-year action plan. The goal of this Policy is to involve all stakeholders in the creation, by 2018, of "a society without discrimination in which men and women and girls and boys have the same opportunity to participate in development and to enjoy the benefits of growth".

7. It focuses on four strategic areas:

(a) Equitable promotion of the situation and social position of women and men within the family and the community;

(b) Equitable promotion of the potential and the position of women and men in the household economy and in the market economy;

(c) More effective enforcement of the rights of women and girls, efforts to combat gender-based violence and equitable participation of men and women in the exercise of power;

(d) Greater institutional involvement in implementation of the National Gender Policy.

8. In another development, the children's code, the personal status code and the draft legislation protecting girls attending school have been prepared and submitted to Parliament.

9. In addition, several measures have been adopted to increase awareness among the general public and traditional and religious leaders regarding gender equality, the Convention and gender equity, with the help of partners such as UNDP, UNFPA and UNICEF.

10. The law of the Niger permits and guarantees women's access to land. While the law states that the custom of the parties may be applied in areas such as marriage, gifts and succession, women are allowed to inherit land in the amount permitted by the applicable custom.

11. It is noteworthy that marriage results in the emancipation of women, who are then able to perform independently a number of legal transactions allowed by the Civil Code and even by applicable custom. However, it is true that they need their husbands' permission to engage in a commercial profession. The relevant provisions are articles 212 to 226 of the Civil Code, which have not been amended. The personal status code is still in the process of being adopted.

Question No. 4

12. The personal status code, drafted and endorsed in 2010, will end legal pluralism and clarify men's and women's responsibilities in the home. However, it has not yet been adopted.

13. The draft personal status code consists of ten (10) books on the following topics:

- Book I: marriage: questions ranging from betrothal to marriage; legal capacity, matrimonial authority and dowry; impediments to matrimony; agreed conditions for the celebration of matrimony and their effects; categories of marriage and their rules; administrative procedures and formalities for preparing the marriage certificate;
- Book II: dissolution of marriage and its effects: general provisions; death and annulment; repudiation and divorce by choice; divorce by decree; divorce by mutual consent or with compensation; effects of the dissolution of marriage; formalities and content of the certificate of divorce by decree;
- Book III: childbirth and its effects; parental and paternal relationship; custody of children; alimony payments;
- Book IV: succession: provisions applicable to all types of succession; succession in the case of Muslims and non-Muslims;
- Book V: wills: general provisions on the form of wills and the requirements to be met by the testator and by the legatee; property bequeathed; lapsed bequests and waiver of bequests;
- Book VI: donation inter vivos: general provisions on the form of donation inter vivos; requirements for the parties and revocation of donations;
- Book VII: absence and disappearance: conditions of absence and disappearance; declaration of absence; declaration of disappearance; effects of the return of the absent or disappeared person;
- Book VIII: adoption: provisions applicable to the two types of adoption; limited adoption; full adoption;

- Book IX: legal capacity and representation: capacity, grounds for deprivation of capacity and actions of the person deprived of capacity; legal representation;
- Book X: Final provisions.

Access to justice

Question No. 5

14. Justice is accessible to all without charge in the Niger. In order to make such access effective, the National Agency for Legal and Judicial Assistance was created by Act No. 2011-042 of 14 December 2011 to establish rules for legal and judicial assistance. It is responsible for managing the arrangements for legal and judicial assistance and making it available to certain categories of vulnerable persons or persons lacking the means to pay for legal proceedings.

15. Legal assistance is provided without charge to women involved in proceedings for divorce, judicial liquidation, custody of children, alimony payments and assault and battery. The Agency has offices providing advice and guidance in all regional courts.

16. As part of awareness-raising activities among those responsible for law enforcement, the Convention on the Elimination of All Forms of Discrimination against Women and many other human rights protection and promotion instruments are brought to the attention of members of the judiciary at seminars and training sessions. This is done as part of training based on the human rights training manual.

17. We do not have statistics or examples of cases in which the Convention has been invoked before the courts.

National machinery for the advancement of women

Question No. 6

18. Action to strengthen national machinery for the advancement of women has included the creation of a National Observatory for Gender Promotion, by decree No. 2015-524/PRN/PF/PE of 2 October 2015. The Observatory is responsible for ensuring that development policies, programmes and projects help to reduce gaps and inequalities between men and women.

19. So far five new commune development plans are mainstreaming gender, in addition to the 52 existing plans.

Temporary special measures

Question No. 7

20. Important socioeconomic projects and programmes have been adopted by the Government and its partners to help women and girls. They include:

(a) The 3N Initiative;

(b) The Programme of Support for Gender Equality, Climate Change Mitigation and Agriculture in the Niger, designed to enhance the resilience of the most vulnerable groups, including women farmers, in five regions of the country;

(c) The regional Project for Women's Empowerment and the Demographic Dividend;

(d) The Illimin zaman douniya programme to reduce child marriage and teenage pregnancy.

Harmful practices

Question No. 8

21. Awareness-raising at the grassroots level and the involvement of traditional leaders, young people, judges and social workers have resulted in:

(a) A considerable reduction in female genital mutilation (from 2.2 per cent in 2006 to 2 per cent in 2012;

(b) Reconversion to other income-generating activities between 2000 and 2016 of 193 women formerly performing female genital mutilation;

(c) Four judgments against women performing female genital mutilation;

(d) Training provided by women who formerly performed female genital mutilation relating to community associations, management of income-generating activities and human rights of women's groups;

(e) Creation of over 286 village oversight brigades.

22. In 2015, as part of its efforts to eliminate child marriage, the Niger received support from UNFPA for the implementation of an "Illimin" (Knowledge for Dignity) programme designed to reduce child marriage and early pregnancy. As a result, 56 girls were able to refuse to be child brides.

Stereotypes

Question No. 9

23. The Niger is a predominantly Islamic country. Religion is thus of crucial importance in the social functioning of the community and the culture. Most communities are based on a patriarchal system. Men thus tend to exercise authority over women. In order to encourage sharing of responsibility between men and women, the Ministry for the Advancement of Women is dispensing training on the following modules:

(a) Moderation in Islam;

(b) Islamic jurisprudence;

(c) Special instruction in Islam;

(d) Islamic morality;

(e) Islamic culture.

24. The Gender Equity Enhancement Project is financed jointly by the Government of the Niger and the African Development Fund.

25. This four-year project was to start in 2004 and end in 2007. In fact it was not launched until 2005 and it ended in 2010.

26. The Project cost 3.16 Units of Account (UA) (1.16 million UA in foreign currency and 2 million UA in local currency).

27. It funded: a short period of training for ten officials from the Ministry for the Advancement of Women responsible for planning and managing gender-related activities; capacity-building in gender-related activities for opinion leaders, decision-makers, members of Parliament, and certain associations (Nigerian Association for the Defence of Human Rights, Association of Women Jurists in the Niger and West African Businesswomen's Network) enabling them to work for equity in the area of human rights; review of two sector policies of the Ministry (advancement of women and protection of children); formulation of a ten-year plan

for gender-related development and drafting of the personal status code, as well as a study on gender-based violence and gender relations in the Niger; gender mainstreaming in policies of sector Ministries; purchase of supplies (furniture, office equipment, computers, rolling stock) for certain organizations involved in implementation of the Project and creation of multimedia centres in the regions to give women access to information and communication facilities.

28. Mention should also be made of the creation of a gender unit, replacing the gender focal point, in each Ministry and government agency.

Gender-based violence against women

Question No. 10

29. No statistical data are available on corporal punishment and other violence against children. However, criminal proceedings are initiated for all reported cases of corporal punishment and other violence against children.

30. The number of minors cover by protection measures is as follows:

- 27 in 2010-1011;
- 148 in 2011-2012;
- 146 in 2012-2013;
- 168 in 2013-2014.

31. The number of sexually abused minors increased to 215 (including 135 girls) in 2012-2013, compared with 193 (including 147 girls) in 2013-2014.

32. The draft children's code is still in the process of being adopted after several revisions.

33. In the current state of legislation in the Niger, the crime of marital rape does not exist according to the customary concept of marriage. However, the Penal Code punishes any assault on the physical or moral integrity of any person, regardless of the relationship between the perpetrator and the victim.

34. A number of non-governmental organizations encourage victims to come forward, look after them and provide them with legal and psychological support. In addition, the State helps victims through the National Agency for Legal and Judicial Assistance.

35. Slavery is prohibited by the Constitution and punishable under the Penal Code. Other texts such as the ordinance of 2010 and the legislation on human trafficking punish trafficking and other servitudes imposed on a person. Although *wahaya* is not specifically mentioned in the Penal Code, cases submitted to the courts are punished under other headings such as slavery, trafficking or restriction of another person's freedom.

36. The penalties for slavery will be stricter following the revision of the legislation on human trafficking in order to more accurately reflect the phenomenon and deal with it more severely.

37. In this connection, mention should be made of the training modules for Defence and Security Forces and of the curriculum reform at training schools for these Forces, designed to cover human rights in general. In addition, the police forces now include special vice squads dealing with rape, prostitution of minors, sexual offences and indecent assault.

38. In the context of its partnership with the Danish Human Rights Institute and the European Union, the Ministry of Justice has been working since 2009 on a

human rights manual for the use of members of the judiciary. Manuals have also been published for use by the national police and the National Guard. Each year training sessions are held for members of the judiciary (13 training sessions based on the manuals were organized for members of the judiciary and of the Defence and Security Forces during the period 2009-2016). The manuals are part of the initial training provided to the National Guard and the police. Similarly, human rights training is provided to lawyers, registrars, prison administration staff and other persons concerned with the administration of justice. This training was provided to 33 registrars.

39. It should be recalled that, in the period 2012-2013, UNDP funded human rights training for prison staff and members of the national police force. In 2014-2015, through its second Support Programme for Justice and the Rule of Law, the European Union also financed human rights training and particularly training on prisoners' rights for 38 heads of correctional institutions.

40. The National Agency to Combat Human Trafficking gives training to law enforcement officers on texts concerning slavery and similar practices and develops programmes to raise awareness of slavery throughout the Niger.

41. As part of its functions, the Division for the Development of Strategies to Combat Gender-Based Violence has engaged in a number of activities: a study on the extent of and reasons for gender-based violence; creation of eight centres providing a holistic approach to gender-based violence (186 survivors were helped in 2016); training of 75 front-line workers in management of cases of gender-based violence; formulation of a national strategy for preventing and responding to gender-based violence, and a related action plan.

Question No. 11

42. As part of its efforts to combat trafficking and similar practices, including slavery, the Government of the Niger adopted a 2014-2018 Plan of Action by decree No. 2014-488/PRN/MJ of 22 July 2014. This Plan of Action has six strategic axes and the fourth one specifically concerns stronger enforcement measures, through activities to identify and eliminate practices involving exploitation of persons. Such practices include begging, prostitution, forced labour, domestic work, slavery and similar practices, and organ harvesting.

43. In order to enhance the operational and institutional capacity of the agencies responsible for preventing and combating the phenomenon of trafficking in persons and particularly in women and children, training has been provided for staff of two agencies dealing with human trafficking — the National Commission for Coordination of Efforts to Combat Human Trafficking and the National Agency to Combat Human Trafficking.

44. In addition, ordinance 2010-086 has been revised to include additional offences. Legislation has also been adopted on illicit trafficking in migrants.

45. The sphere of competence of the Agency and the Commission has been revised by a draft order that is in the process of being adopted.

46. With the same goal of enhancing operational and institutional capacity, a plan of action has been adopted on efforts to combat trafficking and on the adoption of standard operating procedures for dealing with migrants. In addition, several framework cooperation agreements have been concluded with the European Union at the multilateral level and at the bilateral level with Italy and Spain.

47. A decree on the special compensation fund for trafficking victims has been drafted and is in the process of being adopted.

Trafficking and exploitation of prostitution

Question No. 12

48. In order to enhance efforts to combat human trafficking, ordinance No. 2010-086 of 16 December 2010 on efforts to combat human trafficking has been amended. Two other draft texts are currently in the process of being adopted:

(a) Draft decree on the organization, duties and functions of the Special Compensation Fund for Victims and Witnesses of Human Trafficking;

(b) Draft decree establishing a centre for the care and counselling of victims and witnesses of human trafficking.

49. Actions include the adoption of the 2014-2019 action plan of the National Commission for Coordination of Efforts to Combat Human Trafficking. As far as training is concerned, 10 sessions were organized in 2014 by the National Agency to Combat Human Trafficking. They were attended by 315 people involved in efforts to combat human trafficking. In addition, 16 other awareness-raising and training sessions were organized for members of the judiciary, members of the Defence and Security Forces, traditional leaders, speakers on local radio programmes and civil society organizations.

50. In addition, 142 cases of trafficking were brought before the courts and in 139 cases persons guilty of human trafficking and slavery were prosecuted.

51. The draft decree on the Special Compensation Fund for Victims and Witnesses of Trafficking was submitted to the national commission on text reforms at its March 2017 session.

52. In accordance with Act No. 2011-42 of 14 December 2011 concerning the National Agency for Legal and Judicial Assistance, everyone is eligible to receive judicial aid. Judicial assistance is available for the poor, minors, disabled persons, and women (for cases of succession, divorce, alimony, child custody, etc.). In the case of women who are victims of sexual or gender violence, the poverty criterion is applied regardless of nationality or marital status.

53. As regards measures to address the impunity enjoyed by many traffickers due, among other things, to the corruption of the authorities and the collusion of the authorities with traffickers, the Government is continuing its efforts to halt these practices. For example, in 2016 several members of the Defence and Security Forces were sentenced for corrupt practices connected with human trafficking in the Agadez region. They were dismissed from the Forces.

Question No. 13

54. In the Niger, prostitution is not a criminal offence. However persons inciting to or benefiting from the prostitution of others are punished on other grounds (solicitation, procuring, incitement to immorality, corruption of minors, etc.).

55. Initiatives have been taken at the local level in the case of female immigrants (Agadez region), in partnership with IMO, the European Union, UNHCR, international NGOs and government agencies. These efforts are part of the European Union program to combat illegal immigration.

56. As a "compact" country, the Niger receives special development aid in its efforts to stem illegal migration. This support takes the form of medical assistance, training for a variety of jobs, awareness-raising sessions, food aid, accommodation, help with voluntary return, etc.

Participation in political and public life

Question No. 14

57. An analysis of the various stages of political and administrative decision-making (National Assembly, Government, administration, political parties, development associations and grassroots organizations) reveals disparity between men and women in two respects. The political parties, where the development programmes for society are formulated, include very few women, despite the efforts made by the Government, such as adoption of the Act of 5 November 2014 amending and supplementing Act No. 2000-008 of 7 June 2000 by raising the quota for elected positions from 10 to 15 per cent.

58. The following table clearly illustrates this disparity.

	Women		*Men*		
Function	*Number*	*%*	*Number*	*%*	*Total*
Deputies	27	15.78%	144	84.21%	171
Ministers	8	19%	34	80.95%	42
Ministry SG	3	7.16%	39	92.85%	42
Ministry Deputy SG	2				
Governors	0	0%	8	100%	8
Governorate SG	0	0%	8	100%	8
Governorate Deputy SG	3		5		8
Prefects	0	0%	63	100%	63
Mayors	8	2.96%	262	97.04%	270
Regional Councillors	36	13.84%	224	86.16%	260
Municipal and District Councillors	584	15.88%	3092	84.12%	3676
Regional Councillors	34	12.78%	232	96.4%	266
Urban Councillors	17	16.34%	87	83.66%	104
Political parties	3	3.44%	84	96.55%	87
Central labour body	1	7.69%	12	92.31%	13

Source: Ministry for the Advancement of Women, 2015-2016.

59. Article 6 of the decree of enforcement of the quota legislation allows the Council of State to apply legal sanctions for violations of the provisions. There has been no instance of sanctions being applied for failure to respect the quotas.

60. In order to promote the participation of women and to remove obstacles to their participation in political and public life, the Ministry for the Advancement of Women has commissioned a study of the situation with regard to female leadership with a view to the formulation of a programme.

61. In preparation for the 2016 elections, several measures were adopted by government agencies and by civil society to improve the participation of women in public affairs. These involve awareness-raising and workshops on political participation by women.

62. The Directorate for the Promotion of Female Leadership does not have resources of its own but relies on the support of technical and financial partners.

63. Traditional leadership is governed by a law, which does not prohibit women from being traditional leaders provided that they meet the customary requirements. For example, in the Maradi region there are currently women who are Sarraounia queens.

Education

Question No. 15

64. The draft legislation on school enrolment of girls has been submitted by the Government to the National Assembly. Under pressure from certain religious circles, the deputies have postponed consideration of it indefinitely.

65. In accordance with the provisions of the Act on the Education System of the Niger, the Government, working with national and international partners, has set as one of its goals compulsory and free education up to age 18.

66. To this end, 2,256 primary schools and 2,141 pre-schools have been created. As regards school infrastructure, between 2011 and 2015 7,884 classrooms were constructed by the Government using durable materials.

67. In order to significantly reduce dropouts and repetition by children from marginalized groups, 1,117 school canteens have been created in cooperation with the World Food Programme.

68. The number of primary schools in rural areas increased from 13,627 in 2014 to 14,061 in 2015, representing an increase of 434 schools over one year. As regards access to education in rural areas, the gross primary admission rate increased from 72.7 per cent in 2014 to 76.7 per cent in 2015.

69. With the aim of eliminating gender discrimination, the Government has since 2014 been testing a national school enrolment strategy designed to reduce gender disparities in access and retention. The goals of this national strategy for school enrolment of girls are:

(a) To improve access and retention of girls at all levels of education and training;

(b) To increase social demand for education and training in general and for girls in particular;

(c) To improve the institutional framework for girls' education and training.

70. Thanks to this strategy, 887 primary and middle schools are implementing local action plans focused on enrolment of girls. These local action plans were formulated in 2015 following a grassroots survey conducted in collaboration with the Committees for Decentralized Management of Educational Establishments, local leaders, Associations of Teaching Mothers and decentralized national education staff, which pinpointed the specific reasons why girls were not attending school and were dropping out and offered solutions.

71. In order to promote behavioural change supporting enrolment by girls, a local awareness-raising campaign was conducted in 1,560 villages in 2016. This campaign reached 65,520 people.

72. Meetings to enlist the support of religious and customary leaders for the promotion of girls' enrolment are being held in the regions and departments.

73. In September 2016, the Ministry for Primary Education, Literacy, Promotion of National Languages and Civic Education organized a national ceremony to recognize the 25 girls attending public primary schools in the Niger who had achieved the best performance in the academic year 2015/2016.

74. In addition, the process of approval of the legislation protecting girls attending school is now back on track and a Parliamentary Information Day is scheduled for the March 2017 session.

75. In order to ensure learning conditions appropriate to the specific needs of girls, the following measures have been put in motion:

(a) Tutoring for girls who have fallen behind in their studies;

(b) Distribution of dry rations to the mothers of girls attending school in order to reduce the opportunity cost of their school attendance;

(c) Development of a national strategy for girls' schooling designed to reduce disparities between girls and boys as regards access, retention and academic achievement.

Employment

Question No. 16

76. There is at present no proposal for a legislative amendment dispensing women from the need to obtain their husbands' permission to exercise a profession.

77. Article 109 of the Labour Code barring pregnant women from performing certain functions is not discriminatory but is designed to protect the health of the woman and her child. In the Niger, there is no prohibition de jure or de facto prohibiting women from performing certain categories of work.

78. The principle of equal access to employment in the public and private sectors is applied, as guaranteed by the Constitution of 25 November 2010 and the Labour Code.

Health

Question No. 17

79. Several measures are being taken by the Government to reduce child mortality and eliminate the causes of maternal death, particularly by improving access to prenatal care and emergency obstetrical care. These measures include:

(a) Improved care for women thanks to the construction of new maternity clinics and the conversion of health huts into Integrated Health Centres;

(b) Provision to maternity clinics of equipment and consumables for emergency obstetrical and neonatal care, with the support of technical and financial partners in the health sector;

(c) Upgrading of prenatal care at all levels; the percentage of women receiving prenatal care from skilled staff has increased considerably (from 39 per cent in 1998 to 83 per cent in 2012;

(d) Increase in the number of births assisted by trained staff (from 19 per cent in 2008 to 45.72 per cent in 2014);

(e) Rethinking and expansion of family planning, which resulted in an increase in contraceptive use (from 5 per cent in 2006 to 12.2 per cent in 2012, according to the Population and Health Survey using Multiple Indicators (EDSN MICS IV 2012);

(f) Skills upgrading for staff providing obstetrical and emergency neonatal care, essential obstetrical and neonatal care, essential care for newborns, and district surgery;

(g) Upgrading and start-up of 36 surgical units performing Caesarean sections in the various health districts and referral maternity clinics throughout the territory;

(h) Continuation of free prenatal check-ups and Caesarean sections;

(i) Provision to health facilities of kits for prenatal check-ups, obstetrical kits and kits for Caesarean sections;

(j) Increase in the number and geographical coverage of facilities for prevention of mother-to-child transmission;

(k) Enhancement of the Information — Education — Communication/ Communicating to Change Behaviours programme promoting reproductive health.

80. In the context of efforts to reduce disease during pregnancy and post-partum infections, health districts have been supplied with kits for Caesarean sections, prenatal check-ups and delivery and reproductive health supplies, including contraceptives. New vaccines have been added to the expanded vaccination programme: vaccines against rotavirus diarrhoea, pneumonia, meningococcal and haemophilus meningitis, cervical cancer (HPV) (pilot test), and injectable polio vaccines.

81. The policy of free health care covered prenatal check-ups for 3,649,889 pregnant women, treatment of 28,905,079 illnesses of children under five and 5,930 Caesarean section deliveries.

82. In 2015, UNFPA subsidized obstetrical care for 87,737 births.

83. The number of births assisted by a skilled medical attendant increased from 25.6 per cent in 2010 to 40.77 per cent as at 31 October 2015. The target for 2015 was 100 per cent.

84. Several measures have been taken to reduce early pregnancies, including:

(a) Free contraceptives and condoms, resulting in an increase in the use of modern contraception from 12.09 per cent in 2013 to 20.46 per cent as at 31 October 2015;

(b) Focus on the Information — Education — Communication on Health Issues (IEC/CCC) (including counselling) on sexual and reproductive health of adolescents and young people;

(c) Enhancement of the IEC/CCC for reproductive health.

85. There is also a programme entitled "Initiative to help Adolescents in the Niger". The goal is to eliminate child marriage and reduce early pregnancy. In the eight-month pilot phase, from August 2013 to April 2014, the programme helped 1,557 adolescents and should help 8,000 girls by the end of 2015. A studio and internet network have been created for use by visually impaired persons.

86. A national forum on women, the family and the system of social values in the Niger was attended by religious leaders, academics, opinion leaders, members of civil society organizations, development partners and central and regional officials. Participants made six commitments: on the crisis situation in families, reproductive health, the prevalence of divorce, domestic violence, cleanliness and hygiene in the home and the role of women in conflict management.

87. With regard to measures to increase access to contraception and to legal and safe abortion, attention is drawn to the comments above concerning reduction of early pregnancy.

88. Abortion is still a crime punishable by law under articles 295 and following of the Penal Code.

89. Illegal abortion is thus a crime in the Niger but it is not frequently referred to the courts and there have therefore been few convictions. There have been no attempts to decriminalize it completely.

90. As indicated in paragraph 81 of the report, as part of the global Campaign to End Fistula, measures have been taken to prevent and manage obstetric fistula and to help women sufferers with socioeconomic reinsertion.

91. Among specific measures taken to prevent and manage obstetric fistula, mention may be made of:

(a) The IEC national strategy on reproductive health;

(b) Greater focus on Information, Education and Communication on Health Issues (IEC) (including Counselling) concerning the sexual and reproductive health of adolescents and young people;

(c) Enhancement of the IEC/CCC for reproductive health.

92. Thanks to the efforts to manage fistula, 2,129 women with obstetric fistula were treated and 1,199 were reinserted.

93. The hospital ward for women fistula sufferers at the Tahoua Health Centre for Mothers and Children was upgraded in 2015. In Maradi, 74 women with fistula were treated during the same period.

94. Among the measures taken to eliminate obstacles barring rural women from access to medical care, including awareness-raising and increased funding for the health sector, the Government has provided a considerable amount of equipment to health units. This equipment consists of 318 vehicles of various makes, including 205 ambulances and 150 medical ambulances acquired through a public/private partnership, 50 vehicles, 472 motorbikes, 27 ambulance tricycles, 1 ambulance canoe, four 4x4 minivans and 1 truck. This equipment reduced delays in transferring pregnant women to referral centres and thus decreased maternal and child mortality. In addition to this equipment, several computers have been provided to health units at all levels. Maternal mortality has declined from 648 per 100,000 live births in 2006 to 535 per 100,000 live births in 2015 and 520 per 100,000 live births in 2015 according to the 2015 evaluation of the Millennium Development Goals (target of 405). As indicated above, the number of assisted births improved. In addition, health-care coverage increased from 47.18 per cent in 2011 to 48.47 per cent as at 31 October 2015.

95. Over the last five years, on average 5.73 per cent of the budget has been allocated to the health sector. There has been a slight increase, from 5.35 per cent in 2014 to 6.28 per cent in 2015, out of a total State budget of 1,707,140,557,706 CFA francs.

Economic empowerment of women

Question No. 18

96. In general, women are free to open their own bank account. Credit lines exclusively for women are provided by:

(a) The Savings and Credit Mutual for Women (MECREF). In the period from 1 January to 30 September 2014, loans of over 2 billion CFA francs were made to women, of which 82 per cent were for commercial start-ups;

(b) The Regional Solidarity Bank;

(c) The ASUSU CHIGABA Micro-Finance Institution. From 2005 to date, loans of over 50 billion CFA francs were made to women in 1,500 villages located in seven regions, to finance income-producing projects for women (Niger-UNICEF Cooperation Programme, Luxembourg Cooperation, Entreprendre au Niger, ILO, etc.).

97. In order to improve women's access to credit through the creation of micro-finance institutions such as TANAADI in rural areas, the Social Safety Nets Project is adopting several measures to help women, such as training on creation of community associations, health promotion and a monthly allocation of 10,000 CFA francs for the most vulnerable households; the *Mata Masu Dubara* (Women on the Move) programme of CARE has organized women into shared-interest groups and Economic Interest Groupings.

98. Major socioeconomic projects and programmes are being implemented by the Government and its partners to help women and girls. Mention may be made of the 3N Initiative, the Programme to Support Gender Equality, combat climate change and support agriculture in the Niger, designed to enhance the resilience of the most vulnerable groups, including women farmers in five regions of the country, the Regional Project for Empowerment of Women and the Demographic Dividend, and the Illimin zaman douniya programme to reduce child marriage and early pregnancy.

Rural women

Question No. 19

99. As regards measures taken to increase access by rural women to health care, reference is made to the reply given in paragraph 79 to the question on access to prenatal and obstetrical care.

100. Regarding access by rural women to education, article 3 of the Orientation Law of the Education System in the Niger confirms that private education is recognized. Article 37 of the same Law recognizes non-formal education provided in various establishments.

101. In addition, article 38 allows graduates of these systems to obtain higher-level formal or non-formal training.

102. The problem of illiteracy is being tackled by the Government through the Ministry for Primary Education, Literacy, Promotion of National Languages and Civic Education. The 2014-2024 Sectoral Education and Training Programme covers:

(a) Creation of more village libraries to create an environment of literacy;

(b) Implementation of the literacy and non-formal education programme based on the existing outsourcing strategy;

(c) Adoption of the draft decree concerning the National Literacy and Non-Formal Education Policy and the 2015-2017 three-year Action Plan;

(d) Adoption of decree No. 2010-724/PCSRD/MFP/A of 21 October 2010 approving the statutes of the Literacy Training and Non-Formal Education Institute.

103. On the question of improved access to justice by rural women, the judiciary has undergone several reorganizations reflecting the need to bring justice closer to its clients. These have included the creation of new courts in departments that do not have them, which will coordinate the areas of competence with the administrative bodies. In addition, social services have been added in ten district courts, 15 social workers have been recruited to staff these services and the National

Agency for Legal and Judicial Assistance is now operational. In 2015, 1,656 people used its services.

104. Concerning access by rural women to decent housing and land, the regulations existing in the Niger provide for equality and non-discrimination as regards access, purchase, possession, inheritance and control of land and housing. In the Niger, two sets of rules apply to inheritance: law and custom. The law places no restriction on the principle of equality but custom, when applicable, often results in unequal sharing between men and women. However, persons who believe that they have been unfairly treated always have appropriate legal remedies for stating their case.

105. In order to ensure access to clean water for all, the Government has since 2011 been providing new modern water supply points and upgrading existing ones. In order to achieve these goals, considerable progress has been made in rural and urban hydraulics.

106. The 2011-2015 national clean water and environmental sanitation programme aims to increase access in rural areas to 88 per cent and access in urban areas to 82.5 per cent. Supply in urban areas increased significantly to 88.75 percent in 2014, which is well above the MDG target of 82.5 percent. In rural areas, geographical coverage increased from 75.49 percent in 2010 to 77.1 percent in 2014; the MDG target was 88 percent for urban areas. A national rural water strategy was adopted in 2014.

107. With regard to access by rural women to electricity, the Government has created a National Agency for Promotion of Rural Electrification. A rural electrification project costing $34.54 million has been formulated.

108. The Programme of Access to Energy Services for the Rural Commune of Safo (Maradi region) has provided several solar energy kits to 17 villages in the region and organized electrification of 33 primary schools, 11 integrated health centres and health huts, and supplied and installed 20 solar lamps. Work has begun on the project for the electrification of 15 rural schools in the Zinder region (with UNESCO funding).

109. In addition, an agreement has been signed with the West African Development Bank to provide 8 billion CFA francs for the electrification of 211 sites.

110. The legislation of the Niger states that women have equal rights to credit and loans. However, the Government acknowledges that in reality there are still economic, political and social disparities which it is endeavouring to correct. As far as economic disparities are concerned, the focus is on the empowerment of women through access to microcredit in order to create income-generating activities. The measures include:

(a) Implementation of the Project to Increase the Cash Income of the Women of the Dosso region, focused on facilitating greater involvement of women in development activities. The initial phase of the project, costing 3,708,799,592 CFA francs, funded labour-saving activities and credit for income-generating activities in 2011. Loans were made to 1,494 groups in the Dossa region, comprising 23,126 women; 72 rehabilitated wells; 296 grain milling machines (159 grinding machines and 137 husking machines), etc. The results of the initial phase encouraged the authorities to launch a second phase costing 3,278,000,000 CFA francs for the period 2010-2013;

(b) The ongoing programme Empowerment of Women and Local Development, launched in 2015, promotes gender equity and empowerment of rural women in the Tahoua region;

(c) The continuation of the International Salon for Women's Handicrafts, launched in 2001, will promote handicraft items made by women. Nine sessions have been held, each on a specific topic. The topic of the ninth session, in 2015, was agri-food processing, which is a source of income for women producing handicrafts;

(d) The Social Safety Nets project, which started with a pilot phase in 2011 in the Tillabery and Tahoua regions, is now a nationwide project. The goal is to reduce the population's food insecurity;

(e) Provision of milch cows and breeding stock for cattle fattening;

(f) Provision of grain mills and mini-drinking water supply lines;

(g) Provision to women of labour-saving devices and tillage equipment (threshers, mills, huskers, motor pumps, carts, dryers, improved kilns, wells, agricultural inputs, etc.);

(h) Participation of women in fairs abroad;

(i) Creation of a fund to help disabled persons in 1999, which grew from 31,500,000 CFA francs in 2011 to 60 million CFA francs in 2015, and has been used to fund income-generating activities, microprojects and scholarships.

111. A national database of women's groups has been created. It lists 25,000 groups, with about 700,000 members.

112. Loans have been granted to enable 1,440 women in the Tillabery region to engage in income-generating activities, 120 ewes have been given to 60 more women under the Kandadji Programme and 81 members of women's groups in Niamey have received loans from the Bank of Africa. Farming equipment (10 motor pumps, 50 watering cans, 50 wheelbarrows, 50 buckets and 50 hoes) has been given to 360 women in Matameye. Also in Matameye, 684 vulnerable women have been helped to find income-generating activities. Similarly, 650 migrant women in Kantche have received goat-raising kits.

113. In order to ensure that women have access to trade information and participate in decision-making on trade, and in order to mainstream gender in the promotion of human rights, technical documents concerning human rights have been revised to reflect the sociocultural situation of neo-literate women, booklets on human rights have been translated and the translations have been made available to women, for instance through women's centres.

114. In the context of implementation of the National Gender Policy, a National Observatory for Gender Promotion was established by decree No. 2015-524/PRN/PF/PE of 2 October 2015. It is responsible for promoting gender sensitivity. It verifies that development policies, programmes and projects are helping to narrow the gaps and inequalities between men and women. In 2015, 4,138 members of women's groups were briefed on the National Gender Policy in the Maradi region and 9,518 other persons received training on various topics.

115. The Niger is continuing to mainstream gender in commune development plans. To date, five new commune plans are in the process of mainstreaming gender, in addition to the 52 plans that have already done so.

116. Among the most important texts promoting the rights of women are:

(a) Act No. 2014-64 of 5 November 2014 on quotas;

(b) Act of 5 November 2014 on the Niger Nationality Code.

Internally displaced and refugee women

Question No. 20

117. Since 2011, about 505,739 repatriated persons, returnees, refugees and internally displaced persons have been registered, of whom 180,000 were displaced in the Diffa region. The assistance provided consists mainly of food aid, non-food aid, shelter, water, hygiene and environmental sanitation, transport and medical care to meet their vital needs. The cost of this assistance was 71,311,157,500 CFA francs.

118. By the end of November 2015, a total of 183,583 refugees of various nationalities had entered the Niger. With a view to improving the situation of refugees, a National Migration Policy and Strategy for dealing with Illegal Migration are being formulated.

119. As stated above, and since the Niger's problem with refugees and internally displaced persons is due to a lack of security, the Government is doing everything possible to ensure that these vulnerable persons are safe and protected.

120. Internally displaced and refugee women in camps are assisted with housing, employment, health care, education and other basic social services.

Disadvantaged groups of women

Question No. 21

121. In the Niger, legislative texts guarantee equality before the law. The determination of the Government to eliminate gender-based discrimination is illustrated by the adoption of a National Gender Policy and its 2009-2018 ten-year action plan. The goal of the National Gender Policy is to involve all players in building, by 2018, "a society without discrimination, in which men and women and girls and boys have the same opportunity to participate in development and to enjoy the benefits of growth". Any discrimination based on slavery is punishable by law.

Question No. 22

122. In order to improve the living conditions and detention conditions of detainees, the Government has provided remand prisons with maintenance supplies, bedding and clothing and has upgraded sanitary blocks in correctional institutions. In order to address the specific needs of women and men in detention, two laws were adopted by the National Assembly in March 2017: one on the penitentiary system in the Niger and one creating a special corps of penitentiary administration staff.

123. There has been no change in prison diet: each detainee receives two (2) meals a day (lunch and dinner) and families are allowed to bring meals for detainees. The daily ration per prisoner has been increased.

124. Almost all correctional institutions have an infirmary. Prisoners who are seriously ill are referred to public hospitals or Integrated Health Centres, where they are treated. All medical costs are paid by the State.

125. With regard to recreation and literacy programmes, several non-governmental organizations and associations provide training in literacy, sewing, basketry, carpentry and gardening to prepare prisoners for release. A Ministry of Justice circular has instructed all heads of correctional institutions to organize regular sports and recreational activities, such as dancing, singing, plays, etc. for prisoners.

126. Since 2009, in partnership with the Danish Human Rights Institute and the European Union, the Ministry of Justice has been working on a human rights

manual for members of the judiciary. As a result, manuals have been prepared for the national police and the National Guard. Each year training sessions using the manuals are organized for members of the judiciary: there were 13 sessions for members of the judiciary and of the Defence and Security Forces in the period 2009-2016. The manuals are part of the initial training given to the National Guard and the police. In addition, human rights training programmes are provided for lawyers, registrars, penitentiary administration staff and other persons involved in the administration of justice.

127. It should be noted that, over the period 2012-2013, UNDP funded human rights training for prison staff and members of the national police. In 2014-2015, through the second Programme to Support the Justice Sector and the Rule of Law, the European Union also funded human rights training focused on prisoners' rights for 38 heads of correctional institutions.

Marriage and family relations

Question No. 23

128. In December 2014, with UNFPA support, the Government launched a campaign to end child marriage. An "Illumin" (Knowledge for Dignity) programme was also set up. Thanks to this programme, 56 girls have refused to be child brides. At the grassroots level, activities consist mainly of large-scale awareness-raising. At the national level, the focus has been on awareness-raising and training.

129. Negative social and cultural practices are mostly found in rural areas. Accordingly, the National Child Protection Policy has a unit entitled "Prevention in rural areas", which is designed to prevent abuse, violence and exploitation involving children. This unit promotes grassroots-based protection programmes with several components.

130. Several grassroots programmes and projects are being developed in the context of efforts to combat these practices that harm the heath and development of children. These include:

(a) The programme for the promotion of human rights and prevention of female genital mutilation, based on a holistic approach, in the Tillabery region;

(b) The project for the promotion of human rights and prohibition of child marriage, in the Zinder and Maradi regions, also based on a holistic approach;

(c) The grassroots-based program for protection of children, focusing on the right to protection (from all forms of abuse, violence and exploitation). Under this programme, 100 village protection committees have been created, consisting of adult women and men, and 80 children' clubs have been formed and are raising awareness among children.

131. The Government is continuing its efforts to set a minimum age for consensual sex and to abolish polygamy and repudiation. However, these problems concern only persons governed by custom. The concept of the family in the Niger does not preclude polygamy. Marriage may be dissolved in the manner prescribed by law (divorce) or by custom (repudiation). Even in the case of customary separation (repudiation), the justice system provides *a posteriori* oversight.

132. Polygamy and repudiation are allowed only for couples who have opted for customary marriage. In a civil marriage, men may have only one wife and bigamy is punishable by law.

133. With regard to consent to marriage, a distinction must be drawn between the Civil Code and custom. According to custom, parental consent takes precedence

over that of the future spouses. In the case of customary marriage, article 146 of the Civil Code specifies that there can be no marriage without consent.

134. In child custody cases, the principle of the higher interest of the child is the determining factor, despite the persistence of certain practices attributed to tradition.

135. As regards inheritance and right of ownership, the regulations in force in the Niger ensure equality and non-discrimination concerning access, purchase or possession, inheritance and control of land and housing. However, succession by women may be perceived differently, precisely when custom is applied. In the Niger the legal regime governing succession is characterized by the existence of two sets of applicable rules: law and custom. However, persons who consider that they have been wronged always have appropriate means of legal recourse to plead their case.

136. In order to promote respect for the higher interest of the child in all instances, the State has launched and is implementing an experimental grassroots programme for child protection. This programme has raised community awareness of issues concerning the higher interest of the child, resulting in denunciations of child marriage (over 400 in 2012) and more girls remaining in school.

137. Another programme designed to change social norms and targeting girls is being implemented by the Ministry for the Advancement of Women and the Protection of Children, with UNFPA support. In 2016, a total of 15,372 girls were supported by the programme.

138. Widows and daughters who have been dispossessed or harmed by the deceased's relatives in a succession may apply to the courts for restitution of their rights.

139. With regard to the elimination of discrimination against women in all matters relating to marriage and family relations, and in order to ensure that women and men have the same rights and responsibilities during marriage, after its dissolution and in all family matters, discussions are continuing on the personal status code, which provides for equality between men and women at all stages of marriage. The Government is continuing its publicity campaign among all social strata with a view to the adoption of this text by consensus.

Women and peace and security

Question No. 24

140. In order to protect persons and their property and to facilitate the movement of troops, the Government decided to decree a state of emergency in the Diffa region in 2015 and in the Tillabery region in 2017.

141. Joint regional and departmental patrols are organized with over 800 vehicles divided into 63 groups that criss-cross the country every day. In addition, four major operations (Zarmanda, Inga, Mai Dounama and Mali Béro) have been organized to protect the national borders.

142. The activities to promote stability and consolidate peace have achieved:

(a) Substantial development of means of subsistence for communities living in post-conflict zones;

(b) Protection of the environment in the livestock area;

(c) Inducement for young people to remain in their place of origin, thanks to job creation and promotion of entrepreneurship;

(d) Recovery of communes in the area of intervention of the High Authority for Peacebuilding;

(e) Maintenance of social stability, as a guarantee of peace, by means of forums and other meetings organized or supported by the High Authority for Peacebuilding in the context of its monitoring mission.

143. To combat the Boko Haram terrorist attacks, the Lake Chad Basin Commission has organized a multinational standby force of 8,700 men.

144. To combat Boko Haram, the Sahara States (Niger, Mali, Mauritania and Algeria) have created an integrated command based in Tamanrasset (Algeria). Bilateral agreements have also been concluded between States to improve the monitoring and tracking of terrorist groups. The agreement between the Niger and Mali is one example.

145. In addition, in order to improve the legal and institutional framework for counter-terrorism, the Niger has revised its Penal Code and its Code of Criminal Procedure in order not only to deal with the problem of children involved in terrorism but also to ensure stricter repression of terrorism and of certain related offences.

146. Act No. 2016-21 of 16 June 2016, amending and supplementing Act No.61-33 of 14 August modifying the Code of Criminal Procedure, expands the competence of the national courts to combat terrorism and transnational organized crime.

147. For example, the Niger's institutional arrangements for combating terrorism and organized transnational crime include:

(a) The National Security Council;

(b) The Central Counter-Terrorism Service;

(c) The Special Counter-Terrorism Judicial Centre;

(d) The National Counter-Terrorism Committee;

(e) The National Committee for Coordination of Activities to Combat Money Laundering and Financing of Terrorism.

148. All these measures, combined with human and operational capacity-building for the Defence and Security Forces, have maintained security throughout the country. The efforts to combat Boko Haram are now starting to bear fruit with the surrender of the first combatants. The inhabitants of the Diffa region are gradually resuming their normal activities.

149. Regarding the forced recruitment of children in armed conflicts, the recent development of the conflict connected with the Boko Haram terrorist group in the south-eastern part of the country has been marked by the use of children and particularly of girls in various roles: informers, carriers of explosives and even combatants. This has resulted in the arrest of several children suspected of belonging to the criminal organization and their detention in minors' quarters in certain remand prisons. Their cases are processed appropriately by the competent judicial services in compliance with the law and with procedure and taking their young age into account. In addition to the pending proceedings, a State/partners working group (Children Associated with Forces and Armed Groups) has been created to propose reinsertion and reintegration measures for children not found to be guilty of any offence.

150. The system used involves sending the children temporarily to a transit and guidance centre. The centre provides psychological and psychosocial care, searches for and identifies the parents, assists families and organizes reunification and return

to the community with a life plan that takes into account the specific needs of children.

151. At least six children have been sent home with the support of UNICEF and of the government structures available in the region: this reintegration has been facilitated by the involvement of the families and of the communities.